

Faubion.	McKamy.
Faulk.	Mills.
Faust.	Morris.
Grinnan.	Patteson.
Hale.	Paulus.
Harbison.	Perkins.
Harper.	Savage.
Henderson.	Sebastian.
Hicks.	Stafford.
Hill.	Willacy.
Lipscomb.	Wilson.

Absent.

Decker. Martin.

Absent—Excused.

Davidson of Hanger.
DeWitt.

SUBSTITUTE HOUSE BILL NO. 28 SIGNED.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read,

Substitute House bill No. 28, "An Act to reorganize the Fifteenth and Fortieth Judicial Districts of Texas, and to create the Fifty-ninth Judicial District of Texas; to name the counties composing each of said districts; to prescribe the time of holding the terms of the district court in each of said districts; to provide for the extension and return of process issued out of the said court; empowering the judge of the Fifteenth Judicial District to empanel the grand jury for Grayson county, and giving authority to the judges of either the Fifteenth or Fifty-ninth Judicial District in Grayson county to transfer cases from their respective courts to the other of said courts; and to validate all writs, process and bonds, civil and criminal, issued or executed up to the time this act takes effect by or from the district courts of the several counties named in this act, and to provide for the appointment of a district judge for the Fifty-ninth Judicial District, and declaring an emergency."

SENATE BILL NO. 41.

Senator Savage moved that the Senate rescind its action of yesterday by which the motion to reconsider the vote on the final passage of Senate bill No. 41 was laid on the table.

The motion prevailed, and

On motion of Senator Patteson, the vote by which Senate bill No. 41 was finally passed was reconsidered.

Senator Patteson then offered the following amendment to the bill as already amended:

"Amend Article 1804e by striking out

the word 'incontested' and substituting therefor the word 'contested.'"

The amendment was read and adopted.

Bill was read third time, and passed by the following vote:

Yeas—26.

Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	McKamy.
Galveston.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Harbison.	Stafford.
Harper.	Willacy.
Henderson.	Wilson.
Hicks.	

Absent.

Beaty. Martin.
Decker.

Absent—Excused.

Davidson of Hanger.
DeWitt.

ADJOURNMENT.

On motion of Senator Douglass, the Senate, at 12:35 p. m., adjourned until 10 o'clock a. m. tomorrow.

TWELFTH DAY.

Senate Chamber,
Austin, Tex., Thursday, Jan. 29, 1903.

Senate met pursuant to adjournment.
Lieutenant Governor Geo. D. Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Decker.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Hanger.	Stafford.
Harbison.	Willacy.
Harper.	Wilson.

Absent.

Henderson.

Absent—Excused.

Davidson of
DeWitt.

Prayer by Rev. I. S. Bates of Austin.
Pending the reading of the Journal of yesterday.

On motion of Senator Davidson of Galveston, the same was dispensed with.

EXCUSED.

On motion of Senator Mills, Senator Henderson was excused from non-attendance upon the Senate today on account of important business.

PETITIONS AND MEMORIALS.

By Senator Hanger:

Arlington, Tarrant County, Texas,
January 19, 1903.

To the Honorable Members Twenty-eighth Legislature, Austin, Texas.

We the undersigned citizens would respectfully represent that in its present workings and effects, Article 3236, Title LXIII, Revised Statutes, Texas, 1895, frequently puts great and unnecessary injury upon innocent parties as there is no penalty named to restrain persons from unlawfully disposing of agricultural products upon which there is a landlord's lien, and we respectfully ask that this statute be so amended as to protect innocent purchasers of such agricultural products by prescribing an adequate penalty for such unlawful sales.

Signed—Rogers McKnight Co., Rankin Hardw. Co., Banner & Brower, Luttrell Bros., Arlington Drug Co., Mike Ditto, R. H. Bardin, F. E. Casstevens, J. N. Cooper, J. J. Swann, J. W. Hammark, J. R. Jones, J. A. Elliott, R. A. McKnight, Citizens' National Bank, W. F. Eaves, W. M. Douglas, J. M. Grogan, H. W. Patterson, M. L. Dickerson, C. W. Roy, Webros & Co., W. S. Johnston, S. Rodgers, A. W. Collins, Collins & Yates, A. B. Chibbs, F. A. Hood, R. W. Collins, J. W. Ditto, Jas. Ditto, Thos. W. Collins, W. F. Elliott, T. A. Rudd, Coulter & Son, E. H. Rudd, T. H. Saunders, J. B. Hatch, W. A. Bledsoe, W. L. Summons, Jr., J. H. Watson, J. O. Tucker, Jno. C. Bardin, Davidson O. Sibley, W. H. Hart, W. B. Fitzhugh, W. R. King, W. A. Wade, D. E. Yarbrough.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, January 27, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 17, "An Act to fix the

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time of holding the courts in the Forty-seventh Judicial District of Texas."

And find the same correctly enrolled, and have this day, at 12 m., presented the same to the Governor for his approval.

HALE, Chairman.

Committee Room,
Austin, Texas, January 28, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Finance, to whom was referred

House bill No. 82, A bill to be entitled "An Act making an appropriation to pay for publishing the Constitutional amendment proposed by the Twenty-seventh Legislature,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass.

WILSON, Chairman.

Committee Room,
Austin, Texas, January 28, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 81, A bill to be entitled "An Act to prescribe the fees to be paid to county clerks, sheriffs, county attorneys and jurors in judicial proceedings in cases of lunacy; to prescribe who shall pay the same, and to repeal all laws and parts of laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass.

WILSON, Chairman.

Committee Room,
Austin, Texas, January 27, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 90, A bill to be entitled "An Act to provide a charter for the city of Marshall, Harrison county, Texas, defining its boundaries, providing offices and prescribing their duties and powers; creating a corporation court and defining its powers and jurisdiction, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, and that the bill be not printed.

HICKS, Chairman.

BILLS AND RESOLUTIONS.

By Senator Paulus:

Senate bill No. 101, A bill to be entitled "An Act to amend Article 1132, Title XV, of the Code of Criminal Procedure of the State of Texas, relating to fees to be allowed county and district attorneys."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Hill:

Senate bill No. 102, A bill to be entitled "An Act to create the county of Centralie out of the territory of Tom Green county and to provide for its organization."

Read first time, and referred to Committee on County and County Boundaries.

By Senator Stafford:

Senate bill No. 103, A bill to be entitled "An Act to amend Articles 3923, 3924 and 3926a, of the Revised Civil Statutes of the State of Texas, to authorize and require the Comptroller of Public Accounts to draw his warrants on the State Treasurer in favor of the county treasurers and treasurers of independent school districts for the several apportionments of the available school fund authorized by the State Board of Education for the support of free public schools on the certificate of the Superintendent of Public Instruction, and to direct the remittance of such warrants by the Superintendent direct to the said treasurers."

Read first time, and referred to Committee on Education.

By Senator Hale:

Senate bill No. 104, A bill to be entitled "An Act to amend Article 3909a, Title LXXXVI, Chapter 7, of the Revised Statutes of Texas of 1901, relating to the public school curriculum."

Read first time, and referred to Committee on Education.

By Senator Hanger:

Senate bill No. 105, A bill to be entitled "An Act to provide for the physical examination of the alleged injured person in suits for personal injuries."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Faust:

Senate bill No. 106, A bill to be entitled "An Act to amend Article 2259 of the Revised Civil Statutes of the State of Texas."

Read first time, and referred to Judiciary Committee No. 1.

By Senators Harper and Martin:

Senate bill No. 107, A bill to be entitled

"An Act to prohibit the merging, consolidation or combination of corporations in Texas; and prohibiting one corporation from absorbing, obtaining, buying, or otherwise acquiring the franchise, property or holdings of another corporation in any manner whatever in Texas."

Read first time, and referred to Committee on Internal Improvements.

By Senator Decker:

Senate bill No. 108, A bill to be entitled "An Act to organize the Forty-seventh Judicial District of Texas."

Read first time, and referred to Committee on Judicial Districts.

By Senators McKamy and Cain:

Senate bill No. 109, A bill to be entitled "An Act to amend an act of the Twenty-sixth Legislature, amending Article 4497 of the Revised Civil Statutes of 1895, relating to the furnishing of cars for the shipment of freight and the time within which the same shall be loaded; and requiring such cars to be placed upon any switch, side track, or spur on the track of any railroad company upon application made to the nearest agent on either side of the switch, side track, or spur at which the car is required."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Decker:

Senate bill No. 110, A bill to be entitled "An Act to prevent the killing of antelope and fix a penalty therefor, and to provide a rule of evidence."

Read first time, and referred to Judiciary Committee No. 2.

COMMITTEE REPORTS.

By unanimous consent the following committee reports were offered:

Committee Room,
Austin, Texas, January 28, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 27, A bill to be entitled "An Act to prescribe punishment for sheriffs who shall appoint more deputies than are provided for by law,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*, with the following amendment:

"Provided further, that this act shall not apply to counties having more than one district court."

PAULUS, Chairman.

Committee Room,
Austin, Texas, January 28, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 36, A bill to be entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education of such practitioners, and to insure better sanitary conditions in barber shops, and to prevent the spread of disease in the State of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, with the following amendment:

"Provided, that the provisions of this act shall not apply to towns of 1000 inhabitants or less."

PAULUS, Chairman.

Committee Room,
Austin, Texas, January 28, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 86, A bill to be entitled "An Act to prescribe a punishment for pawnbrokers who shall purchase articles from minors or accept as collateral security from minors any articles of value,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass.

PAULUS, Chairman.

Committee Room,
Austin, Texas, January 28, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

House bill No. 21, A bill to be entitled "An Act to amend Article 351 of the Penal Code of the State of Texas of 1895, relating to the crime of incest,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass.

PAULUS, Chairman.

Committee Room,
Austin, Texas, January 28, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 33, A bill to be entitled

"An Act to amend Articles 402, 404, 405, 406 and 407, of Chapter 6, Title XI, Penal Code, and add thereto Article 407a, relating to unlawfully selling intoxicating liquor,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass.

PAULUS, Chairman.

Committee Room,
Austin, Texas, January 28, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

House bill No. 8, A bill to be entitled "An Act to aid the city of Galveston in elevating and raising said city so as to protect it from calamitous overflows, by donating and granting to it the State ad valorem taxes and a part of the occupation and poll taxes, collected on property and from persons in Galveston county for a period of fifteen years, and to provide a penalty for their misapplication,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass with the following amendment:

"Amend by striking out the words 'may be invested by said city in the purchase of said bonds,' on lines 9 and 10, on page 5 of the original bill, and inserting in lieu thereof the following: 'Shall be invested by said city in the purchase of said bonds, or bonds of the United States, the State of Texas, or the bonds of any county, city or town of the State of Texas, bearing interest at a rate of not less than four per cent. per annum; and provided further, that the entire sinking fund when received by the city treasurer of said city shall be invested by the municipal authorities of said city as received, in the bonds herein referred to, or the bonds of the United States, the State of Texas, or the bonds of any county, city or town of the State of Texas, bearing interest at a rate of not less than 4 per cent. per annum.'"

STAFFORD, Acting Chairman.

Morning call concluded.

EXECUTIVE SESSION.

The Chair announced the hour (after morning call) for the Senate to go into executive session, for the purpose of considering the appointments of the Governor, offered on yesterday, and accordingly the chamber was cleared.

AFTER EXECUTIVE SESSION.

In executive session the following confirmation was had:

D. T. Averitt, of Coke county, as district attorney of the Fifty-first Judicial District, vice D. D. Wallace, deceased.

SPECIAL ORDER—SENATE BILL NO. 42 ON THIRD READING.

The Chair laid before the Senate, on its third reading and final passage, special order for this hour,

Senate bill No. 42, A bill to be entitled "An Act to authorize the International & Great Northern Railroad Company to purchase, own and operate as a part or parts of its line the railroad constructed, or to be constructed, of the Houston, Beaumont & New Orleans Railroad Company, and also the railroad constructed or to be constructed, of the Houston, Oaklawn & Magnolia Park Railway Company, or either of them, as defined in their respective charters, together with all franchises and property, incident or appertaining to said railroads or either of them; and to authorize said Houston, Beaumont & New Orleans Railroad Company, and said Houston, Oaklawn & Magnolia Park Railway Company each to sell its railroad as defined by its charter, together with all franchises and property incident or appertaining thereto, to said International & Great Northern Railroad Company; and to authorize said International & Great Northern Railroad Company to issue and negotiate its bonds secured, or to be secured, by mortgage or mortgages, subject to the laws of the State of Texas governing the issuance and negotiation of bonds by railroad companies; and to authorize said International & Great Northern Railroad Company to construct, own and operate, as a part or parts of its lines, extensions and branches of said railroads, or either of them, under or as authorized by said railroad company, or any amendment thereof, made or to be made in pursuance of general laws of the State of Texas; to regulate reports relative to the railroads, franchises and property authorized by this act to be purchased and sold, and the operation thereof, and to prescribe the conditions upon which said purchases and sales shall take effect and be dependent; and to authorize said companies and each of them to execute all necessary contracts, agreements and conveyances to accomplish said purchases and sales."

The bill was read third time, and passed by the following vote:

Yeas—25.

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Decker.	Mills.
Douglass.	Morris.
Faubion.	Paulus.
Faulk.	Savage.
Faust.	Sebastian.
Hale.	Stafford.
Hanger.	Willacy.
Harbison.	Wilson.

Nays—1.

Harper.

Absent.

Grinnan.
Patteson.

Perkins.

Absent—Excused.

Davidson of
DeWitt.

Henderson.

Senator Beaty moved to reconsider the vote by which the bill was passed and lay that motion on the table.

EXECUTIVE MESSAGE.

EXECUTIVE OFFICE,
STATE OF TEXAS.

Austin, Texas, January 29, 1903.

To the Senate.

The advice and consent of the Senate is asked to the following appointments:

Board of Directors of the Agricultural and Mechanical College—Marion Sansom, of Tarrant county; Frank Reichardt, of Harris county; P. H. Tobin, of Grayson county; K. K. Legett, of Taylor county; George T. Jester, of Navarro county; A. Haidusek, of Fayette county, and L. D. Amsler, of Waller county.

Board of Trustees of the State Orphan Asylum—R. H. Daniel, W. A. Polk, Mrs. H. L. Scales, R. E. Prince and J. L. Halbert, of Navarro county.

Judge of the Fifty-ninth Judicial District of Texas—W. T. Beverly, of Collin county.

S. W. T. LANHAM,
Governor.

On motion of Senator Sebastian, 11 o'clock a. m. tomorrow was designated as the time at which the Senate would go into executive session to consider the foregoing appointments.

REGULAR ORDER.

The Chair laid before the Senate the regular order of business, on its second reading,

Senate bill No. 4, A bill to be entitled "An Act to create, establish and main-

tain a branch asylum or home for the care, treatment and support of white idiots and imbeciles of this State, and to make an appropriation therefor,"

With the following committee amendments:

(1) "Amend by striking out the word 'white' wherever it occurs in the bill and by adding at the close of Section 4 the following: 'Provided, that separate apartments shall be kept for white and black inmates.'"

(2) "Amend the bill by striking out all of Section 3, and by inserting in lieu thereof the following: 'This institution shall be located by a board appointed by the Governor, consisting of one person from each Supreme Judicial District; provided, the location shall be in connection with one of the eleemosynary institutions of the State, at Terrell, San Antonio, Austin, or Abilene, Texas.'"

Bill was read second time, and committee amendments were adopted.

Senator Harper then offered the following amendment:

"Amend Section 6 by adding after the word 'State,' in line 4 of said section, the following clause: 'Provided, that idiots and imbeciles shall be admitted in the asylums already established until the erection and completion of the asylum provided for in this act.'"

(Senator McKamy in the chair.)

The amendment was read and adopted.

The bill as amended was ordered engrossed.

On motion of Senator Savage, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Decker.	Mills.
Faubion.	Morris.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Hanger.	Stafford.
Harbison.	Willacy.
Harper.	Wilson.

Absent.

Douglass. Patteson.

Absent—Excused.

Davidson of Henderson.
DeWitt.

The bill was read third time, and passed by the following vote:

Yeas—28.

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Decker.	Mills.
Douglass.	Morris.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Grinnan.	Sebastian.
Hale.	Stafford.
Hanger.	Willacy.
Harbison.	Wilson.
Harper.	

Absent.

Patteson.

Absent—Excused.

Davidson of Henderson.
DeWitt.

Senator Savage moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion prevailed.

HOUSE BILL NO. 27 SIGNED.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read:

House bill No. 27, "An Act to extend relief to and release the State and county taxes due by certain citizens of the town of Goliad, in Goliad county, Texas, who suffered damages in the cyclone of the 18th day of May, 1902, and to declare an emergency."

HOUSE CONCURRENT RESOLUTION NO. 7.

The Chair laid before the Senate

House Concurrent Resolution No. 7, Relative to the purchase of a site for a U. S. navy yard at the head of Galveston bay.

Resolution was read first time, and referred to Committee on Military Affairs.

REGULAR ORDER.

The Chair (Senator McKamy) laid before the Senate, on its second reading,

Senate bill No. 31, A bill to be entitled "An Act to amend Article 950, Chapter 18, Title XVII, of the Penal Code of the State of Texas, relating to the fraudulent disposition of mortgaged property."

Senators Faubion and Sebastian offered the following amendment:

"Amend by inserting after line 24 the following: 'Provided, that where the value of the mortgaged property dis-

posed of is less than fifty dollars the punishment shall be by confinement in the county jail for not less than six months nor more than one year, and if over fifty dollars by confinement in the State penitentiary for a period of not less than one nor more than three years.'"

The amendment was read second time, and lost.

Senator Henderson offered the following amendment:

"Amend by striking out the enacting clause."

The amendment was read, and lost by the following vote:

Yeas—7.

Hale.	Mills.
Harbison.	Savage.
Harper.	Stafford.
Henderson.	

Nays—23.

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Decker.	Morris.
Douglass.	Patteson.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Sebastian.
Grinnan.	Willacy.
Hanger.	Wilson.

Absent—Excused.

Davidson of
DeWitt.

Senator Beaty offered the following amendment:

"Amend the printed bill, in line 20, after the word 'thereof' and before the word 'out,' by adding the following: 'Without the written consent of the person or persons holding or owning such lien.'"

The amendment was read second time, and adopted.

The bill as amended was ordered engrossed.

SENATE BILL NO. 90.

On motion of Senator Brachfield, the regular order of business (Senate bill No. 32) was suspended, and the Senate took up, out of its order,

Senate bill No. 90.

The Chair then laid before the Senate, as pending business,

Senate bill No. 90, A bill to be entitled "An Act to provide a charter for the city of Marshall, Harrison county, Texas; defining its boundaries; providing offices and prescribing their duties and

powers; creating a corporation court, and defining its powers and jurisdiction, and declaring an emergency."

Senator Brachfield moved that the Senate rule requiring committee reports to lie over for one day be suspended.

The motion prevailed.

Bill was read second time, and ordered engrossed.

On motion of Senator Brachfield, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—30.

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Decker.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Hanger.	Stafford.
Harbison.	Willacy.
Harper.	Wilson.
Henderson.	

Absent—Excused.

Davidson of
DeWitt.

The bill was read third time, and passed by the following vote:

Yeas—30.

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Decker.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Hanger.	Stafford.
Harbison.	Willacy.
Harper.	Wilson.
Henderson.	

Absent—Excused.

Davidson of
DeWitt.

Senator Brachfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion prevailed.

COMMITTEE REPORTS.

By unanimous consent, the following committee reports were offered:

Committee Room,
Austin, Texas, January 28, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 80, A bill to be entitled "An Act to amend Article 3139 of the Revised Civil Statutes of the State of Texas, and Articles 393, 394, 668 and 673 of the Code of Criminal Procedure of the State of Texas, relating to the qualifications of jurors,"

And find the same correctly engrossed.
PATTESON, Chairman.

Committee Room,
Austin, Texas, January 28, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 20, A bill to be entitled "An Act to amend Articles 1316 and 1319, Chapter 12, Title XXX, of the Revised Civil Statutes of the State of Texas, and to require judges of the district and county courts to prepare and read their charges to the jury before counsel shall argue the cause to the jury, and to require judges of the district and county courts to read and submit all special instructions to the jury before argument of counsel, and to repeal all laws in conflict herewith,"

And find the same correctly engrossed.
PATTESON, Chairman.

Committee Room,
Austin, Texas, January 27, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 41, A bill to be entitled "An Act to amend Article 1804e, Chapter 7, of the General Laws of 1895, entitled 'An Act to better provide for the election contests in this State; and an amendment to said chapter and article to put into operation the amendment of the Constitution of the State of Texas, adopted at the general election in November, 1902, generally known as the Poll Tax Amendment to the Constitution, so that Article 1804e, of Chapter

7, of the General Laws of 1895, shall hereafter read as follows,"

And find the same correctly engrossed.
PATTESON, Chairman.

Committee Room,
Austin, Texas, January 27, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 8, A bill to be entitled "An Act to amend Section 1, Chapter 128, of an act passed by the Twenty-sixth Legislature of the State of Texas, and sent to the Governor for his approval on the 20th day of May, A. D. 1899, and entitled 'An Act providing a mode by which horses, mules, jennets, and cattle may be prevented from running at large in the following counties, or in any subdivision of said counties, viz.: Cooke, Bell, Ellis, Montague, Fayette, Johnson, Collin, Rockwall, Lamar, Milam, Denton, Falls, Navarro, Fannin, Hunt, Tarrant, Grayson, Guadalupe, Dallas, Austin, Brazos, Lavaca, Colorado, Washington, Williamson, Smith, Delta,' so as to place McLennan, San Patricio, Limestone, Coryell, Kaufman and Rains counties under the provisions of said chapter, and to declare an emergency,"

And find the same correctly engrossed.
PATTESON, Chairman.

Committee Room,
Austin, Texas, January 28, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 12, A bill to be entitled "An Act to amend Article 605, Title XV, Chapter 3, of the Penal Code of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, 1895, relating to assaults to commit some other offense, by fixing the punishment for assault with intent to commit murder, and repealing all laws in conflict therewith,"

And find the same correctly engrossed.
PATTESON, Chairman.

Committee Room,
Austin, Texas, January 28, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 25, A bill to be entitled "An Act to prescribe the time within

which statement of facts may be filed in causes tried in the district and county courts of Texas,"

And find the same correctly engrossed.
PATTESON, Chairman.

PENDING BUSINESS—SENATE BILL
NO. 32.

Senator Faulk moved to suspend pending business (Senate bill No. 32) and take up, out of its order,

Senate bill No. 31 (see caption above).

The motion prevailed, and

The Chair laid before the Senate, on its third reading,

Senate bill No. 31 (see caption above).

On motion of Senator Faulk, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Beaty.	Lipscomb.
Brachfield.	Martin.
Cain.	McKamy.
Davidson of	Mills.
Galveston.	Morris.
Douglass.	Patteson.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Sebastian.
Grinnan.	Stafford.
Hanger.	Willacy.
Hicks.	Wilson.
Hill.	

Nays—5.

Hale.	Henderson.
Harbison.	Savage.
Harper.	

Absent.

Decker.

Absent—Excused.

Davidson of
DeWitt.

The bill was read third time, and passed.

Senator Hanger then moved that the Senate reconsider the vote by which the bill had passed.

The motion prevailed, and

Senator Hanger moved to reconsider the vote by which the constitutional rule requiring bills to be read on three several days was suspended.

The motion prevailed, and

Senator Faulk offered the following amendment:

"Amend by adding following:

"Whereas, There is no law now in force to protect parties who have statutory liens upon personal property against the fraudulent disposition of same covered by such lien, therefore it creates an imperative public necessity, and emergency

requires the suspension of the constitutional rule providing that bills be read on three several days, which said rule is accordingly suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

The amendment was read and adopted.
(Lieutenant Governor Neal in the chair.)

On motion of Senator Faulk, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Decker.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Sebastian.
Grinnan.	Willacy.
Hanger.	Wilson.

Nays—4.

Harbison.	Henderson.
Harper.	Savage.

Absent.

Hale.	Stafford.
Perkins.	

Absent—Excused.

Davidson of
DeWitt.

The bill was read third time, and passed by following vote:

Yeas—22.

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Decker.	Morris.
Douglass.	Patteson.
Faubion.	Paulus.
Faulk.	Sebastian.
Faust.	Willacy.
Grinnan.	Wilson.
Hanger.	

Nays—5.

Harbison.	Mills.
Harper.	Savage.
Henderson.	

Absent.

Hale.	Stafford.
Perkins.	

Absent—Excused.

Davidson of
DeWitt.

Senator Faulk moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion prevailed.

COMMITTEE REPORTS.

By unanimous consent, the following committee reports were offered.

Committee Room,
Austin, Texas, January 29, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 7, "An Act to confer upon the county court of Matagorda county the civil and criminal jurisdiction belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change; to fix the time of holding court, and to repeal all laws in conflict with this act."

And find the same correctly enrolled, and have this day, at 12:05 p. m., presented the same to the Governor for his approval.

HALE, Chairman.

Committee Room,
Austin, Texas, January 29, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate Concurrent Resolution No. 3.

Whereas, There is a question as to the sufficiency of the caption to Senate bill No. 17, which has finally passed the Senate and House, and is now in the hands of the Governor; therefore, be it

Resolved by the Senate, the House concurring, That the Governor be requested to return said bill to the Senate for correction,

And find the same correctly enrolled, and have this day, at 12:05 p. m., presented the same to the Governor for his approval.

HALE, Chairman.

Committee Room,
Austin, Texas, January 29, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR; Your Committee on Judicial Districts, to whom was referred

Senate bill No. 108, A bill to be entitled "An Act to organize the Forty-seventh Judicial District of Texas, and to fix the

time for holding court in said district; to name the counties constituting the same; to attach the unorganized county of Palmer to Deaf Smith county for judicial and other purposes; to provide for a term of process of said courts, and for bonds and recognizances, and to declare an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, and that this bill be not printed.

BEATY, Chairman.

Committee Room,
Austin, Texas, January 29, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 63, A bill to be entitled "An Act to amend Article 904, Chapter 3, of the Revised Statutes of 1895, fixing a punishment for persons who shall enter upon inclosed land of another without the consent of the owner, proprietor or person in charge, and therein hunt with firearms, or therein catch or take any fish from any pond, lake, tank or stream, or in any manner depredate upon same,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, with the following amendment:

"Provided further, That this act shall not apply to inclosures including two thousand acres or more in one inclosure."

PAULUS, Chairman.

BILLS SIGNED.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read:

House bill No. 145, "An Act to provide for the extension of time for the payment of State and county ad valorem and poll taxes for the year 1902-1903 in Nacogdoches, Burleson, Brazos, Washington, Burnet, Colorado and Zapata counties; providing for an extension for the penalty of 10 per cent. on such taxes to attach on the first of March, 1903."

Senate bill No. 7, "An Act to confer upon the county court of Matagorda county the civil and criminal jurisdiction belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said

change; to fix the time of holding court, and to repeal all laws in conflict with this act."

Senate Concurrent Resolution No. 3, Whereas, There is a question as to the sufficiency of the caption to Senate bill No. 17, which has finally passed the Senate and House, and is now in the hands of the Governor; therefore, be it

Resolved by the Senate, the House concurring, That the Governor be requested to return said bill to the Senate for correction.

REGULAR ORDER—SENATE BILL NO. 32 ON SECOND READING.

The Chair laid before the Senate, on its second reading,

Senate bill No. 32, A bill to be entitled "An Act to amend Article 4905, Title CI, Chapter 1, of the Revised Civil Statutes of the State of Texas,"

With the following committee amendment:

"Amend the bill by adding after word 'hour,' in line 14, page 1, the word 'on, and by adding after the word 'what,' in line 16, and before the word 'place,' in same line, the words 'time and.'"

The committee amendment was read and lost.

Senator Hanger then offered the following amendment:

Amend the bill by adding after word "hour," in line 14, page 1, the word "on" and by adding after the word "what," in line 16 and before the word "place" in same line the words "time and."

The amendment was read second time, and adopted.

The bill as amended was then ordered engrossed.

Senator Hicks moved to suspend pending business and take up House Concurrent Resolution No. 4.

House Concurrent Resolution No. 4, Relating to instructions of United States Senators to use their efforts to secure an appropriation for the purchase of a site for a military camp of instruction near Fort Sam Houston, Texas.

The motion prevailed, and

The resolution was read and adopted.

REASON FOR VOTING.

"I vote 'no' on Senate bill No. 31 because I believe it will peon the tenants of Texas.

"HALE."

ADJOURNMENT.

On motion of Senator Mills, the Senate, at 12:15 p. m., adjourned until 10 o'clock a. m. tomorrow.

THIRTEENTH DAY.

Senate Chamber,

Austin, Texas, Friday, January 30, 1903.

Senate met pursuant to adjournment.

Lieutenant Governor Geo. D. Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Martin.
Galveston.	McKamy.
Decker.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Stafford.
Hanger.	Willacy.
Harbison.	Wilson.
Harper.	

Absent.

Lipscomb. Sebastian.

Absent—Excused.

Davidson of
DeWitt.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday.

On motion of Senator Douglass, the same was dispensed with.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, January 29, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill Nos. 30 and 75, A bill to be entitled "An Act to amend Articles 151, 152, 153, 154, 155 and 156, Chapter 1, Title VI, of the Revised Penal Code of Texas, providing for the punishment of bribery, and the use of undue influence at any public election, or at any election held by authority of any political party,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that the substitute bill *do pass*.

PAULUS, Chairman.